

**Carmen Matías**

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**From:** Carmen Matías  
**Sent:** Friday, February 23, 2024 2:51 PM  
**To:** manuel@rodriguezbanachs.com  
**Subject:** Omar Romero-Acosta v. Bottles, Kindred Spirits, Inc. / Civil #23-01163-JAG  
**Attachments:** Notice of Deposition Duces Tecum.pdf

Dear attorney Rodríguez:

Enclosed please find a "Notice of Deposition Duces Tecum", in the above referenced case.

Cordially,



*Carmen Matías Ortiz*  
**Paralegal**

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*Think before you print.*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

OMAR E. ROMERO-ACOSTA

Plaintiff

v.

BOTTLES, KINDRED SPIRITS INC AND  
RICHARD GONSALVES

Defendant

Case No.: 23-cv-01163 (JAG)

Removed from Puerto Rico Court of First  
Instance

Case No. GB2023-cv-00268

**NOTICE OF DEPOSITION *DUCES TECUM*  
PURSUANT TO FED. R. CIV. P. 30(b)(2)**

TO PLAINTIFF: OMAR E. ROMERO-ACOSTA ("Romero" or "Plaintiff")  
through its attorney Manuel A. Rodríguez Banchs, Esq.

FROM DEFENDANT: BOTTLES, KINDRED SPIRITS INC. ("Bottles" or "Defendant")  
through his attorneys, Joaquín Monserrate-Matienzo, Esq. and Miguel  
Simonet Sierra, Esq.

You are hereby notified that on **April 10, 2024, at 9:30 am**, in the offices of Monserrate Simonet & Gierbolini, LLC, 101 Ave. San Patricio, Ste. 1120, Guaynabo, PR 00969, Defendant will take Romero's deposition pursuant to Rule 30(b)(2) of the Federal Rules of Civil Procedure. Coll is required to produce and bring the following documents: the term "Document" includes, but is not limited to: handwritten notes, electronic or other transcriptions or taping of telephone or personal conversations or conferences, taped correspondence, electronic mail, all original telephone logs, memoranda, telephone bills reflecting calls between the parties at issue during the relevant time period, internal memoranda, information stored in a computer, floppy disk, USB, external drive, direve, DC-ROM, or other storage device, phone records, still photographs and their negatives, motion picture film and its negative, audio and video tapes, graphs, charts, maps, plans, instructions, blueprints, diagram, sketches and drawings:

1. All documents and evidence under his custody and/or control that support the allegation in paragraph 9 of the complaint that employees with more seniority are paid a sub-salary of \$3.70 p/h plus tips.

2. All documents and evidence under his custody and/or control that support the allegation in paragraph 10 of the Complaint that the Plaintiff did not get paid directly by the Defendant and that he was entitled to receive a sub-minimum salary of \$2.13.

3. All documents and evidence under his custody and/or control that support the allegation in paragraph 11 of the Complaint that the Defendant owes the Plaintiff \$3,990.67 for unpaid wages.

4. All documents and evidence under his custody and/or control that support the allegation in paragraph 12 of the Complaint that the Defendant implements a mandatory service charge of 18%, but that in reality this is a "hidden tip", which the Defendant keeps half off, thus violating the laws regarding tipping employees.

5. All documents and evidence under his custody and/or control that support the allegation in paragraph 15 of the Complaint that when a customer does not agree with a service charge the defendant eliminates it from the bill.

6. All documents and evidence under his custody and/or control that support the allegation in paragraph 16 of the Complaint that the Defendant somehow takes advantage of a "tip credit" and pays longer-tenured employees less than the required minimum wage.

7. All documents and evidence under his custody and/or control that support the allegation in paragraph 17 of the Complaint that Plaintiff received \$28,178.38 worth of tips from customers and that said amount was only half of the tips received since allegedly the Defendant illegally kept half the tips that were given to the Plaintiff.

8. All documents and evidence under his custody and/or control that support the allegation in paragraph 18 of the Complaint that Defendant hires employees as independent contractors.

9. All documents and evidence under his custody and/or control that support the allegation in paragraph 23 of the Complaint that the Plaintiff was required to pay a fine for tardiness.

10. All documents and evidence under his custody and/or control, which relate to the allegations found in the captioned case's Complaint.

11. All documents and evidence used to prepare the Complaint.

In San Juan, Puerto Rico, this 23 of February 2024.

**I HEREBY CERTIFY:** That on this same date this Notice was sent by email to **Atty. Manuel Rodríguez Banchs**, [manuel@rodriguezbanchs.com](mailto:manuel@rodriguezbanchs.com).

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